

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF NEW YORK

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SHORELINE AVIATION, INC., : Case No. 2:20-cv-02161-JMA-SIL  
 :  
 *Plaintiff,* :  
 :  
 v. :  
 :  
 CYNTHIA L. HERBST, SOUND AIRCRAFT :  
 FLIGHT ENTERPRISES, INC., RYAN A. :  
 PILLA, :  
 :  
 *Defendants.* :  
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**SUPPLEMENTAL DECLARATION OF L. REID SKIBELL**

I, **L. REID SKIBELL**, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a member of the law firm Glenn Agre Bergman & Fuentes LLP, counsel for plaintiff, and I submit this declaration, based on my personal knowledge and review of evidence in this case, in support of defendants' motion for summary judgment.

2. On September 20, 2020, Shoreline Aviation, Inc., served defendants with its initial disclosures. Attached as **Exhibit 29** is a true and correct copy of Shoreline's initial disclosures. In its initial disclosures, Shoreline did not claim lost profits as a category of alleged damages. Instead, Shoreline stated that its computation of "actual damages" included, among other things, "2018 lost revenue from both commuter and charter flights in the amount of \$1,350,000.00" To my knowledge, Shoreline has never amended its initial disclosures. Shoreline's other counsel, including Harris St. Laurent & Wechsler LLP, also has no record of Shoreline amending its initial disclosures.

3. Likewise, Shoreline in its original interrogatory response did not claim lost profits as a category of alleged damages. Attached as **Exhibit 30** is a true and correct copy of Shoreline's Original Interrogatory Responses served on April 6, 2021. Shoreline also did not claim lost profits as category of alleged damages in its amended interrogatory responses served on April 13, 2022. See Exhibit 5 to Skibell Declaration, dated June 16, 2023.

4. In its original and amended interrogatory responses, Shoreline also sought lost revenue for 2018.

5. Shoreline only started to claim lost profits as a category of alleged damages in its summary judgment papers served on August 11, 2023.

6. **Exhibit 31** is a true and correct copy of excerpts of the deposition transcript from the deposition of Shoreline Aviation, Inc., by Andrea Collingwood, dated March 29, 2022

7. **Exhibit 32** is a true and correct copy of excerpts of the deposition transcript of Cynthia L. Herbst, dated March 30, 2022.

8. **Exhibit 33** is a true and correct copy of excerpts of the deposition transcript of Camille Murphy, dated July 21, 2022.

*I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my personal knowledge.*

Dated: October 27, 2023

**L. Reid Skibell**

By: /s/ Reid Skibell  
L. Reid Skibell